

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent of	)	Confirmation No.: 5590
	)	
Yuval Ben-Itzhak	)	Atty. Docket No.: 58525.00004.UTL
	)	
Patent No.: 7,313,822	)	
	)	
Issue Date: December 25, 2007	)	
	)	
For: <b>APPLICATION-LAYER SECURITY</b>	)	
<b>METHOD AND SYSTEM</b>	)	

## PETITION UNDER 37 C.F.R. § 3.81(b) TO CORRECT ASSIGNEE

Mail Stop Petitions  
 Commissioner for Patents  
 P.O. Box 1450  
 Alexandria, VA 22313-1450

Sir:

Pursuant to 37 CFR §3.81(b), applicant hereby petitions to correct the assignee in the above-identified patent.

On November 8, 2007, the Part B – Fee Transmittal (PTOL-85) and payment of the issue fee were filed and paid. However, the Part B – Fee Transmittal (PTOL-85) incorrectly listed “Protegrity Corporation” as the Assignee. The correct assignee, Kavado, Inc., recorded July 26, 2001, reel 012011/frame 0395, should have been listed on the Part B – Fee Transmittal (PTOL-85). A copy of the Notice of Recordation of Assignment Document is attached. The failure to include the correct assignee name was inadvertent. Pursuant to CFR 1.117(h), the fee of \$130 is submitted with this Petition.

In addition, it is hereby requested that the file be forwarded to Certificate of Correction Branch, for issuance of a Certificate of Correction, if this Request is granted.

In the event that a variance exists between the fees submitted by Applicant and the fees required by U.S. Patent and Trademark Office to enter and/or consider this Petition, please charge or credit such variance to the undersigned's Deposit Account No. 50-2613.

Respectfully submitted,

PAUL, HASTINGS, JANOFSKY & WALKER LLP

Dated: August 7, 2009

By: /Todd M. Schneider/  
Todd M. Schneider  
Reg. No. 57,629

**PAUL, HASTINGS, JANOFSKY, & WALKER LLP**  
CUSTOMER NUMBER: 36183  
Telephone: (858) 458-3000  
Facsimile: (858) 458-3005



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UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office  
ASSISTANT SECRETARY AND COMMISSIONER  
OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231

SEPTEMBER 29, 2001

PTAS  
BROBECK, PHLEGER & HARRISON LLP  
TREVOR CODDINGTON  
INTELLECTUAL PROPERTY DEPARTMENT  
1333 H STREET, N.W., SUITE 800  
WASHINGTON, D.C. 20005

RECEIVED



\*101794954A\*

OCT 03 2001

BROBECK

UNITED STATES PATENT AND TRADEMARK OFFICE  
NOTICE OF RECORDATION OF ASSIGNMENT DOCUMENT

THE ENCLOSED DOCUMENT HAS BEEN RECORDED BY THE ASSIGNMENT DIVISION OF THE U.S. PATENT AND TRADEMARK OFFICE. A COMPLETE MICROFILM COPY IS AVAILABLE AT THE ASSIGNMENT SEARCH ROOM ON THE REEL AND FRAME NUMBER REFERENCED BELOW.

PLEASE REVIEW ALL INFORMATION CONTAINED ON THIS NOTICE. THE INFORMATION CONTAINED ON THIS RECORDATION NOTICE REFLECTS THE DATA PRESENT IN THE PATENT AND TRADEMARK ASSIGNMENT SYSTEM. IF YOU SHOULD FIND ANY ERRORS OR HAVE QUESTIONS CONCERNING THIS NOTICE, YOU MAY CONTACT THE EMPLOYEE WHOSE NAME APPEARS ON THIS NOTICE AT 703-308-9723. PLEASE SEND REQUEST FOR CORRECTION TO: U.S. PATENT AND TRADEMARK OFFICE, ASSIGNMENT DIVISION, BOX ASSIGNMENTS, CG-4, 1213 JEFFERSON DAVIS HWY, SUITE 320, WASHINGTON, D.C. 20231.

RECORDATION DATE: 07/26/2001

REEL/FRAME: 012011/0395  
NUMBER OF PAGES: 3

BRIEF: ASSIGNMENT OF ASSIGNOR'S INTEREST (SEE DOCUMENT FOR DETAILS).

ASSIGNOR:

BEN-ITZHAK, YUVAL

DOC DATE: 07/15/2001

ASSIGNEE:

KAVADO, INC.  
421 WEST 118TH STREET  
SUITE 51  
NEW YORK, NEW YORK 10027

SERIAL NUMBER: 09809030  
PATENT NUMBER:

FILING DATE: 03/16/2001  
ISSUE DATE:

SEDLEY PYNE, EXAMINER  
ASSIGNMENT DIVISION  
OFFICE OF PUBLIC RECORDS

DOCKETED

08-01-2001

SHEET

7.26.01

To the Honorable Commissioner for

document(s) or copy(ies) thereof.

## 1. Name of Conveying Party(ies):

Yuval BEN-ITZHAK

101794954

JUL 26 2001

Additional name(s) of conveying party(ies) attached?

☐ Yes☒ No

## 2. Name and Address of Party(ies) receiving an interest (assignee(s)):

Name: KAVADO, INC.

Name:

Address: 421 West 118th Street

Address:

Suite 51

New York, New York 10027

Country: U.S.A.

Country:

Additional name(s) and address(es) attached?

☐ Yes☒ No

## 3. Nature of Conveyance:

☒ Assignment☐ Merger☐ Change of Name☐ Verified Translation☐ Security Agreement☐ Other: \_\_\_\_\_Execution Date: July 15, 2001

## 4. Application number(s) or patent number(s):

If this document is being filed together with a new application, the execution date(s) of the application is: \_\_\_\_\_

A. Patent Application No(s):B. Patent No(s):09/809,030

Others on additional sheet(s) attached?

☐ Yes☒ No

## 5. Name and address of party to whom correspondence concerning document should be mailed:

**Trevor Coddington**  
 Intellectual Property Department  
 Brobeck, Phleger & Harrison LLP  
 1333 H Street, N.W.  
 Suite 800  
 Washington, DC 20005  
 (202) 220-6000 (telephone)  
 (202) 220-5200 (facsimile)

## 6. Total number of applications and patents involved:

Application(s): 1

+ Patent(s): \_\_\_\_\_

= Total: 17. Total Fee (37 C.F.R. § 3.41) . . . . \$ 40.00☒ Enclosed☐ Authorized to be charged to Deposit Account8. Deposit Account No.: 50-1640

(Duplicate copy of this sheet attached)

☒ Charge any underpayment or credit any overpayment to above Deposit Account

DO NOT USE THIS SPACE

## 9. Statement and Signature

To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of the original document.

Trevor Coddington

Name of Person Signing

Trevor Coddington

Signature

July 27, 2001

Date

Total number of pages including cover sheet, attachments, and document:

07/31/2001 TDI21 00000209 09809030

01 FC 581

40.00 00

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## ASSIGNMENT

WHEREAS, I Yuval BEN-ITZHAK, residing at Shtern St. 92/a, Kiron 55602, ISRAEL have invented certain new and useful improvements in and to the subject matter of:

### APPLICATION-LAYER SECURITY METHOD AND SYSTEM

described in an application for United States Letters Patent filed on March 16, 2001, and accorded Application No. 09/809,030;

AND, WHEREAS, KAVADO, INC., a corporation organized under the laws of the State of Delaware, having a place of business located at 421 West 118th Street, Suite 51, New York, New York 10027 (hereinafter "ASSIGNEE"), is desirous of acquiring certain rights to the improvements and under the application;

NOW, THEREFORE, in consideration of the sum of One Dollar (\$1.00) or the equivalent thereof, and other good and valuable consideration, receipt of which is hereby acknowledged, I do hereby sell, assign and transfer unto said ASSIGNEE, its successors, assigns and legal representatives, my entire right, title and interest in and throughout the United States of America (including its territories and dependencies) and all countries foreign thereto in and to said improvements, said United States application, any other United States applications, including provisional, divisional, renewal, substitute, continuation, reexamination and reissue applications, based in whole or in part on said United States application or in whole or in part on said improvements, any foreign applications, including international and regional applications, based in whole or in part on any of the aforesaid United States applications or in whole or in part on said improvements, and in and to any and all letters patent, including extensions thereof, of any country which have been or may be granted on any of the aforesaid applications or on said improvements or any parts thereof;

AND I hereby authorize and request my agents, Brobeck, Phleger & Harrison LLP, whose address is 1333 H Street, N.W., Suite 800, Washington, D.C. 20005, to insert hereon any identification necessary or desirable for recordation of this document, including the filing date and application number of said application when known.

AND I hereby agree for myself and my heirs, executors and administrators to execute without further consideration any further documents and instruments which may be necessary, lawful and proper in the prosecution of said above-referenced application or in the preparation or prosecution of any continuing, substitute, divisional, renewal, reexamination or reissue application or in any amendments, extensions or interference proceedings, or other applications for patents of any region or country, that may be necessary to secure to ASSIGNEE its interest and title in and to said improvements or any parts thereof, and in and to said several patents or any of them;

AND I hereby covenant for myself and my legal representatives, and agree with said ASSIGNEE, its successors and assigns, that I have granted no right or license to make, use, sell or offer to sell said improvements, to anyone except said ASSIGNEE, that prior to the

KAVADO ASSIGNS METHOD OF ASSIGNMENT (001)

execution of this deed, my right, title and interest in said improvements had not been otherwise encumbered, and that I have not and will not execute any instrument in conflict therewith;

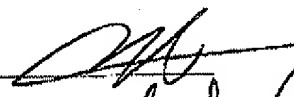
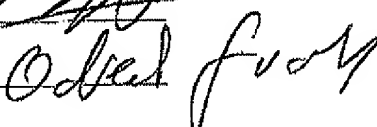
AND I do hereby authorize and request the United States Commissioner for Patents to issue any and all letters patent which may be granted upon said United States applications, or upon said improvements or any parts thereof when granted, to said ASSIGNEE.

IN WITNESS WHEREOF, I have hereunto set my hand and seal.

07-15-2001  
Date

  
Yuval BEN-TZUR

WITNESSES:

Tal Gilat, CEO   
Oded Fuchs 

BROBECK, PHLEGER & HARRISON LLP  
INTELLECTUAL PROPERTY DEPARTMENT  
1333 H STREET, N.W.  
SUITE 800  
WASHINGTON, D.C. 20005  
(202) 220-6000 (TELEPHONE)  
(202) 220-5200 (FACSIMILE)

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

# **PETITION FEE** **Under 37 CFR 1.17(f), (g) & (h)** **TRANSMITTAL**

(Fees are subject to annual revision)

Send completed form to: Commissioner for Patents  
P.O. Box 1450, Alexandria, VA 22313-1450

<b>Application Number</b>	09/809,030
<b>Filing Date</b>	March 16, 2001
<b>First Named Inventor</b>	Yuval Ben-Itzhak
<b>Art Unit</b>	2131
<b>Examiner Name</b>	N/A
<b>Attorney Docket Number</b>	58525.00004.UTL

**Enclosed is a petition filed under 37 CFR 3.81(b) that requires a processing fee (37 CFR 1.17(f), (g), or (h)). Payment of \$ 130.00 is enclosed.**

This form should be included with the above-mentioned petition and faxed or mailed to the Office using the appropriate Mail Stop (e.g., Mail Stop Petition), if applicable. For transmittal of processing fees under 37 CFR 1.17(i), see form PTO/SB/17i.

## **Payment of Fees** (small entity amounts are NOT available for the petition fees)

☒ The Commissioner is hereby authorized to charge the following fees to Deposit Account No. 502613:  
☒ petition fee under 37 CFR 1.17(f), (g) or (h) ☒ any deficiency of fees and credit of any overpayments

☐ Check in the amount of \$ \_\_\_\_\_ is enclosed.

☐ Payment by credit card (Form PTO-2038 or equivalent enclosed). Do not provide credit card information on this form.

## **Petition Fees under 37 CFR 1.17(f): Fee \$400 Fee Code 1462**

For petitions filed under:

- § 1.36(a) - for revocation of a power of attorney by fewer than all applicants
- § 1.53(e) - to accord a filing date.
- § 1.57(a) - to accord a filing date.
- § 1.182 - for decision on a question not specifically provided for.
- § 1.183 - to suspend the rules.
- § 1.378(e) - for reconsideration of decision on petition refusing to accept delayed payment of maintenance fee in an expired patent.
- § 1.741(b) - to accord a filing date to an application under § 1.740 for extension of a patent term.

## **Petition Fees under 37 CFR 1.17(g): Fee \$200 Fee Code 1463**

For petitions filed under:

- § 1.12 - for access to an assignment record.
- § 1.14 - for access to an application.
- § 1.47 - for filing by other than all the inventors or a person not the inventor.
- § 1.59 - for expungement of information.
- § 1.103(a) - to suspend action in an application.
- § 1.136(b) - for review of a request for extension of time when the provisions of section 1.136(a) are not available.
- § 1.295 - for review of refusal to publish a statutory invention registration.
- § 1.296 - to withdraw a request for publication of a statutory invention registration filed on or after the date the notice of intent to publish issued.
- § 1.377 - for review of decision refusing to accept and record payment of a maintenance fee filed prior to expiration of a patent.
- § 1.550(c) - for patent owner requests for extension of time in ex parte reexamination proceedings.
- § 1.956 - for patent owner requests for extension of time in inter partes reexamination proceedings.
- § 5.12 - for expedited handling of a foreign filing license.
- § 5.15 - for changing the scope of a license.
- § 5.25 - for retroactive license.

## **Petition Fees under 37 CFR 1.17(h): Fee \$130 Fee Code 1464**

For petitions filed under:

- § 1.19(g) - to request documents in a form other than that provided in this part.
- § 1.84 - for accepting color drawings or photographs.
- § 1.91 - for entry of a model or exhibit.
- § 1.102(d) - to make an application special.
- § 1.138(c) - to expressly abandon an application to avoid publication.
- § 1.313 - to withdraw an application from issue.
- § 1.314 - to defer issuance of a patent.

/Todd M. Schneider/

Signature

Todd M. Schneider

Typed or printed name

August 7, 2009

Date

57,629

Registration No., if applicable

This collection of information is required by 37 CFR 1.17. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 5 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

## Privacy Act Statement

The **Privacy Act of 1974 (P.L. 93-579)** requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (*i.e.*, GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.